

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

AXG ROOFING, LLC, individually and on behalf of all others similarly situated,

Plaintiff.

v.

RB GLOBAL, INC.; ROUSE SERVICES LLC; UNITED RENTALS, INC.; SUNBELT RENTALS, INC.; HERC RENTALS INC.; HERC HOLDINGS INC.; H&E EQUIPMENT SERVICES, INC.; SUNSTATE EQUIPMENT CO., LLC,

Defendants.

Case. No. 1:25-cv-03487

Hon. Sara L. Ellis

MOVANT 2ND GEN PLUMBING, LLC'S MOTION TO REASSIGN RELATED CASE

Pursuant to Local Rule 40.4 of the U.S. District Court for the Northern District of Illinois,

Movant 2nd Gen Plumbing, LLC (“2nd Gen”) moves to reassign *2nd Gen Plumbing, LLC v. RB Global, Inc., et al.*, Case No. 1:25-cv-05000, currently assigned to the Honorable Martha M. Pacold, to the calendar of the Honorable Sara L. Ellis on the basis of relatedness to the earlier-numbered above-captioned civil antitrust class action lawsuit, *AXG Roofing, LLC v. RB Global, Inc., et al.*, No. 1:25-cv-03487, currently pending before Judge Ellis. In support of its Motion, 2nd Gen states as follows:

BACKGROUND

1. On April 1, 2025, Plaintiff AXG Roofing, LLC filed a class action complaint against Defendants RB Global, Inc., Rouse Services LLC, United Rentals, Inc., Sunbelt Rentals, Inc., HERC Rentals Inc., HERC Holdings Inc., H&E Equipment Services, Inc., and Sunstate

Equipment Co., LLC (collectively, the “Defendants”) alleging that the Defendants conspired through Rouse Services LLC (“Rouse”) to artificially increase construction equipment rental prices nationwide in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

2. Thereafter, other purchasers of construction equipment rentals filed class action complaints against Defendants asserting substantially the same allegations and seeking monetary, declaratory, and injunctive relief on behalf of a proposed nationwide class comprising all persons and entities that rented construction equipment from Defendants or their affiliates at any time from March 31, 2021 until the cessation of Defendants’ anticompetitive conduct and its effects.¹

3. On May 6, 2025, 2nd Gen filed its class action complaint against Defendants alleging that Defendants conspired through Rouse to artificially increase construction equipment rental prices nationwide and seeking monetary, declaratory, and injunctive relief on behalf of a proposed nationwide class comprising all persons or entities that rented construction equipment from Defendants or their affiliates at any time from March 31, 2021, until Defendants’ unlawful conduct and its anticompetitive effects cease to persist. A true and correct copy of 2nd Gen’s class action complaint filed May 6, 2025 is attached hereto as Exhibit “A” and incorporated herein.

4. Also on May 6, 2025, Plaintiff AXG Roofing, LLC filed a Subsequent Motion to Transfer Related Actions Pursuant to 28 U.S.C. § 1407 for Consolidated or Coordinated Pretrial Proceedings (“Motion to Transfer”) before the Judicial Panel on Multidistrict Litigation (“JPML”) seeking to consolidate and transfer all related actions pending in the U.S. District Court for the Northern District of Illinois and other U.S. District Courts to the Northern District

¹ In accordance with Local Rule 40.4(c), 2nd Gen is contemporaneously filing Notices of Filing in the following related class action lawsuits: *Immediate Appliance Service, Inc. v. RB Global, Inc., et al.*, Case No. 1:25-cv-04139; *Kris Swanson Construction LLC v. RB Global, Inc., et al.*, Case No. 1:25-cv-04236; *IPCS Corp. v. RB Global, Inc., et al.*, Case No. 1:25-cv-04825; and *IZQ Construction LLC v. RB Global, Inc., et al.*, Case No. 1:25-cv-04872.

of Illinois for centralized pretrial proceedings. A true and correct copy of the Motion to Transfer is attached hereto as Exhibit “B” and incorporated herein.

ARGUMENT

5. Reassignment of a civil case is appropriate under Local Rule 40.4 if the case is found to be “related” to an earlier-filed case, and it satisfies the conditions for reassignment set forth in Local Rule 40.4(b).

6. Under Local Rule 40.4(a), two cases are “related” if at least one of the following conditions is met:

- (1) The cases involve the same property;
- (2) The cases involve some of the same issues of fact or law;
- (3) The cases grow out of the same transaction or occurrence; or
- (4) In class action suits, one or more of the classes involved in the cases is or are the same.

This Court has explained that Local Rule 40.4(a) “defines ‘relatedness’ with a broad brush, under which any one of its four subparts, looked at disjunctively, suffices to make two or more cases ‘related’ to each other.” *Targin Sign Sys., Inc. v. Preferred Chiropractic Ctr.*, 714 F. Supp. 2d 901, 902 (N.D. Ill. 2010); *see also BP Corp. N. Am. Inc. v. N. Trust Invs.*, N.A., No. 08-CV-6029, 2009 WL 1684531, at *2 (N.D. Ill. June 15, 2009) (“Two cases need not be absolutely identical to be suitable for reassignment under Rule 40.4” (citation omitted)).

7. Here, there is no question that *2nd Gen Plumbing LLC* is “related” to *AXG Roofing* under the broad definition provided by Local Rule 40.4(a). Both cases allege substantially the same factual issues and legal claims against Defendants. Furthermore, both cases define the relevant class at issue identically.

8. Local Rule 40.4(b) further provides that, if two civil cases are related, the later-filed case may be reassigned to the calendar of the judge assigned to the earlier-filed case if all of the following conditions are met:

- (1) Both cases are pending in this Court;
- (2) The handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort;
- (3) The earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and
- (4) The cases are susceptible of disposition in a single proceeding.

Here, all four of these criteria for reassignment are met.

9. First, both *2nd Gen Plumbing, LLC* and *AXG Roofing, LLC* are pending in the Northern District of Illinois.

10. Second, the handling of both cases by this Court would undoubtedly preserve judicial resources. To begin with, “because of the overlap in issues, the handling of both cases by one judge is likely to result in a substantial savings of time and effort.” *Popovich v. McDonald’s Corp.*, 189 F. Supp. 2d 772, 778 (N.D. Ill. 2002). The Court will confront similar factual issues and have to resolve similar questions of law in both cases. Moreover, with respect to discovery, “judicial resources can be conserved if similar discovery issues arise in the two cases.” *BP Corp.*, 2009 WL 1684531, at *3.

11. Third, despite the amount of time between the filing of the *AXG Roofing, LLC* complaint and the filing of the *2nd Gen Plumbing, LLC* complaint, neither case has progressed to

the point that reassignment to this Court's calendar would cause substantial delay. Defendants in *AXG Roofing, LLC* have not yet answered the complaint, and no discovery has occurred.

12. Finally, the two cases are susceptible of disposition in a single proceeding. In fact, *AXG Roofing, LLC* seeks to do just that by filing its Motion to Transfer before the JPML. The underlying facts and claims are substantially identical and therefore susceptible of disposition in a single proceeding. *See Targin Sign Sys.*, 714 F. Supp. 2d at 902-03; *see also Teacher's Ret. Sys. Of La. V. Black*, No. 04-CV-834, 2004 WL 1244236, at *2 (N.D. Ill. June 3, 2004) (“As these three cases are all securities class actions that originate from the same core of facts, it is clear that they are susceptible of disposition in a single proceeding.”).

WHEREFORE, because all of the criteria under Local Rule 40.4 are met and reassignment will save judicial resources, Movant 2nd Gen Plumbing, LLC respectfully requests that this Court enter an Order reassigning *2nd Gen Plumbing, LLC v. RB Global, Inc., et al.*, Case No. Case No. 1:25-cv-05000, to the calendar of Judge Ellis.

Respectfully submitted,

Dated May 9, 2025

/s/ Katrina Carroll

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on May 8, 2025, she caused true and correct copies of the foregoing **MOTION TO REASSIGN RELATED CASE** to be served on the following counsel via email:

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